

IN THE UNITED STATES DISTRICT COURT
 FOR THE DISTRICT OF SOUTH CAROLINA
 FLORENCE DIVISION

Dianna H., ¹)	Case No.: 4:20-cv-03509-JD-TER
)	
Plaintiff,)	
)	
vs.)	ORDER
)	
KILOLO KIJAKAZI, ²)	
Acting Commissioner of Social Security,)	
)	
Defendant.)	
)	

This social security matter is before the Court with the Report and Recommendation of United States Magistrate Judge Thomas E. Rogers, III (“Report and Recommendation”), pursuant to Local Civil Rule 83.VII.02 of the District of South Carolina. Plaintiff Dianna H. (“Plaintiff” or “Dianna”) brings this action pursuant to Section 205(g) of the Social Security Act, as amended, 42 U.S.C. § 405(g), to obtain judicial review of a final decision of the Defendant Commissioner of Social Security (“Commissioner” or “Defendant”), denying Plaintiff’s claim for Disability Insurance Benefits (“DIB”).

Plaintiff filed an application for DIB on March 27, 2018, alleging inability to work since November 13, 2016. Her claims were denied initially and upon reconsideration. Thereafter, Plaintiff filed a request for a hearing. A hearing was held on September 20, 2019. The Administrative Law Judge (“ALJ”) issued an unfavorable decision on November 13, 2019,

¹ The Committee on Court Administration and Case Management of the Judicial Conference of the United States has recommended that, due to significant privacy concerns in social security cases, federal courts should refer to claimants only by their first names and last initials.

² Kilolo Kijakazi became the Acting Commissioner of Social Security on July 9, 2021; and therefore, he is substituted for Andrew Saul as the defendant in this suit.

finding that Plaintiff was not disabled within the meaning of the Social Security Act. (DE 20-2, Tr. pp. 14-25). Plaintiff filed a request for review of the ALJ's decision, which the Appeals Council denied on August 11, 2020, making the ALJ's decision the Commissioner's final decision. (DE 20, Tr. pp. 1-3). Plaintiff filed this action on October 5, 2020. (DE 1.)

The Magistrate Judge issued the Report and Recommendation on September 14, 2021, concluding that Plaintiff has failed to show that the Commissioner's decision was not based on substantial evidence. (DE 36.) Plaintiff filed no objections to the Report and Recommendation.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. See Mathews v. Weber, 423 U.S. 261 (1976). The Court is charged with making a de novo determination of those portions of the Report and Recommendation to which specific objection has been made, and may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge. 28 U.S.C. § 636(b)(1). However, de novo review is unnecessary when a party makes general and conclusory objections without directing a court's attention to a specific error in the Magistrate Judge's proposed findings. See Orpiano v. Johnson, 687 F.2d 44, 47 (4th Cir. 1982). In the absence of a specific objection, the court reviews the report and recommendation only for clear error. See Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (citation omitted); see also Tyler v. Wates, 84 F. App'x 289, 290 (4th Cir. 2003) ("A general objection to the entirety of the magistrate judge's report is tantamount to a failure to object.").

Upon review of the Report and Recommendation and the record in this case, the Court adopts the Report and Recommendation and incorporates it herein by reference, and it is hereby **ORDERED** that the Commissioner's decision is AFFIRMED.

AND IT IS SO ORDERED.



Joseph Dawson, III
United States District Judge

December 21, 2021
Greenville, South Carolina